

Senate Daily Reader

Monday, February 23, 2004

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State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0353

SENATE COMMERCE COMMITTEE ENGROSSED NO.

HB 1052 - 02/20/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Commerce at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to revise the premium tax on certain small life insurance
2 policies.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-44-2 be amended to read as follows:

5 10-44-2. Any company doing insurance business in this state shall pay a tax at the rates
6 specified in this section. The tax shall be paid to the Division of Insurance at the time the
7 company files its annual statement, or, if no annual statement is required, then before March
8 first of each year.

9 If, during the previous year, a company paid more than five thousand dollars in premium
10 taxes in this state, the company shall submit payments equal to one-quarter of the previous year's
11 premium taxes to the Division of Insurance on April thirtieth, July thirty-first, October
12 thirty-first, and January thirty-first. The quarterly payments shall be credited against the amount
13 due from the company at the time the company files its annual statement, or if no annual
14 statement is required, then on March first of each year. The director of the Division of Insurance



1 may waive the requirement in writing for quarterly payments or reduce the amount of deposit
2 if the director finds the requirement would impose an undue premium tax on a company because
3 of a significant decline in sales within the state. If the sum of the quarterly payments exceeds
4 the total taxes due, the director shall credit the overpayment against subsequent amounts due
5 or, if requested in writing at the time the company files its annual statement, refund the
6 overpayment to the company. If the overpayment cannot be credited, there is excess remaining
7 after the credit is taken on the annual statement, or the refund is not requested, the division may
8 refund the amount overpaid by May first of the following year. The rates are:

- 9 (1) On each domestic company, two and one-half percent of premiums, except for life
10 insurance policies, other than credit life as defined in chapter 58-19, of a face amount
11 of seven thousand dollars or less, for which the rate is one and one-fourth percent of
12 premiums; and one and one-fourth percent of the consideration for annuity contracts.

13 However, the rate for life insurance and annuities shall be computed as follows:

- 14 (a) Two and one-half percent of premiums for a life policy on the first one
15 hundred thousand dollars of annual premium, and eight one-hundredths of a
16 percent for that portion of the annual life premiums exceeding one hundred
17 thousand dollars; and

- 18 (b) One and one-fourth percent of the consideration for annuity contracts on the
19 first five hundred thousand dollars of consideration for annuity contracts, and
20 eight one-hundredths of a percent for that portion of the consideration on
21 annuity contracts exceeding five hundred thousand dollars.

22 The tax also applies to premiums for insurance written on individuals residing
23 outside this state or property located outside this state if no comparable tax is paid
24 by the direct writing company to any other appropriate taxing authority. However, the

1 tax applies only to premiums for insurance written after July 1, 1980, on individuals
2 residing outside of the United States;

3 (2) On each foreign company the rate shall be computed as follows:

4 (a) Two and one-half percent of premiums, except for life insurance policies,
5 other than credit life as defined in chapter 58-19, of a face amount of seven
6 thousand dollars or less, for which the rate is one and one-fourth percent of
7 premiums. However, for that portion of the life insurance premiums exceeding
8 one hundred thousand dollars annually, the rate shall be eight one-hundredths
9 of a percent; and

10 (b) One and one-fourth percent of the consideration for annuity contracts on the
11 first five hundred thousand dollars of consideration for annuity contracts, and
12 eight one-hundredths of a percent for that portion of the consideration on
13 annuity contracts exceeding five hundred thousand dollars;

14 (3) On each insurer not licensed or not authorized to do business in this state, the rate
15 shall be computed as follows:

16 (a) Two and one-half percent of premiums, except for life insurance policies,
17 other than credit life as defined in chapter 58-19, of a face amount of seven
18 thousand dollars or less, for which the rate is one and one-fourth percent of
19 premiums. However, for that portion of the life insurance premiums exceeding
20 one hundred thousand dollars annually, the rate shall be eight one-hundredths
21 of a percent; and

22 (b) One and one-fourth percent of the consideration for annuity contracts on the
23 first five hundred thousand dollars of consideration for annuity, and eight one-
24 hundredths of a percent for that portion of the consideration on annuity

1 contracts exceeding five hundred thousand dollars;

2 (4) Fourteen dollars for each insurance policy issued or renewed for workers'
3 compensation coverage.

4 Revenue from subdivision (4) of this section shall be deposited in the insurance operating
5 fund of the state treasury and is dedicated to the Department of Labor for purposes of
6 automating the administration of the workers' compensation law and supporting the Workers'
7 Compensation Advisory Council.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

455J0384

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **HB 1053** - 02/06/2004

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to increase liquidated court costs.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 23-3-52 be amended to read as follows:

4 23-3-52. In addition to any other penalty, assessment, or fine provided by law, there shall
5 be levied liquidated costs in the amount of ~~twenty-seven~~ thirty dollars for partial reimbursement
6 to state government and its subdivisions for law enforcement and judicial expenses incurred in
7 providing the personnel, training, and facilities relative to the criminal justice system and to the
8 911 emergency reporting system, on each conviction for the following:

9 (1) Violation of state statutes or regulations having criminal penalties; or

10 (2) Violation of county or municipal ordinances.

11 If a fine is suspended in whole or in part, the liquidated costs for law enforcement and
12 training may not be reduced, except that the judge may waive all or any part of the payment of
13 liquidated costs which would work a hardship on the person convicted or on the person's
14 immediate family.

15 Section 2. That § 23-3-53 be amended to read as follows:



1 23-3-53. After a determination by the court of the amount due, the clerk of courts shall
2 collect the amount due and transmit such amount monthly to the state treasurer. The state
3 treasurer shall place ~~seventeen~~ twenty dollars of the ~~twenty-seven-dollar~~ thirty dollar fee into
4 the law enforcement officers training fund, six dollars of the ~~twenty-seven-dollar~~ thirty dollar
5 fee into the court appointed attorney and public defender payment fund, two dollars of the
6 ~~twenty-seven-dollar~~ thirty dollar fee into the court appointed special advocates fund, one dollar
7 of the ~~twenty-seven-dollar~~ thirty dollar fee into the 911 telecommunicator training fund, and one
8 dollar of the ~~twenty-seven-dollar~~ thirty dollar fee into the abused and neglected child defense
9 fund.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0420

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **HB 1068** - 02/09/2004

Introduced by: The Committee on Appropriations at the request of the Bureau of
Administration

1 FOR AN ACT ENTITLED, An Act to establish a fund for the payment of extraordinary
2 litigation expenses, to make an appropriation therefor, and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. There is established in the state treasury the extraordinary litigation fund. The
5 fund shall be maintained separately and administered by the Bureau of Administration. The fund
6 may be used for plaintiff attorney fee awards, retention of outside counsel, or other
7 extraordinary litigation expenses not otherwise eligible to be paid under § 3-22-1. Unexpended
8 money and any interest that may be credited to the fund shall remain in the fund. The
9 extraordinary litigation fund is hereby continuously appropriated and shall be budgeted through
10 the informational budget process. The creation and funding of this fund does not constitute a
11 waiver of the state's sovereign immunity.

12 Section 2. There is hereby appropriated from the general fund the sum of one million six
13 hundred fifty thousand dollars (\$1,650,000) to the extraordinary litigation fund for payment of
14 eligible expenses.

15 Section 3. The commissioner of the Bureau of Administration shall approve vouchers for



1 payment of extraordinary expenses and the state auditor shall draw warrants to pay expenditures
2 authorized by this Act.

3 Section 4. Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
5 full force and effect from and after its passage and approval.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

455J0395

HOUSE ENGROSSED NO. **HB 1073** - 01/28/2004

Introduced by: The Committee on State Affairs at the request of the Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to establish a consumer compensation and education fund
2 related to telecommunication services and to provide for expenditures from the fund.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The commission shall establish a consumer compensation fund. The fund shall be used to
7 compensate consumers who paid for telecommunications services that a telecommunications
8 company failed to provide or for consumer education. Any civil fines collected pursuant to
9 §§ 49-31-7.4, 49-31-38, and 49-31-38.1 shall be credited to the consumer compensation fund
10 which is hereby established in the state treasury. Any interest earned on money in the fund shall
11 be deposited in the fund. The money is continuously appropriated to the use of the commission
12 to compensate consumers or provide consumer education. The commission shall promulgate
13 rules, pursuant to chapter 1-26, regarding procedures on how consumers may obtain
14 compensation from the fund and regarding methods for consumer education.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

804J0146

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1091** - 02/04/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Wick, Adelstein, Buckingham, Burg, Cutler, Frysliie, Garnos, Novstrup, Peterson (Bill), Peterson (Jim), Schafer, Valandra, Van Gerpen, and Weems and Senators Schoenbeck, Albers, Apa, Brown, Dennert, and Moore

1 FOR AN ACT ENTITLED, An Act to extend the fifty percent tuition privilege for National

2 Guard members to include graduate study.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 33-6-5 be amended to read as follows:

5 33-6-5. Any member of the National Guard of the State of South Dakota ~~who is a resident~~
6 ~~of the State of South Dakota shall~~ is, upon compliance with all the requirements for admission;
7 and subject to the provisions of § 33-6-7, ~~be entitled to a benefit as prescribed by this Act to~~
8 attend and pursue any ~~undergraduate~~ course or courses in any state educational institution under
9 the control and management of the Board of Regents ~~upon the payment of only fifty percent of~~
10 ~~the charges for tuition. In no event shall eligible national guardsmen be entitled to more than~~
11 ~~four academic years under §§ 33-6-5 to 33-6-8, inclusive. The Board of Regents shall maintain~~
12 ~~an annual record of the number of participants and the tuition dollar value of such participation.~~
13 Any resident enrolled in a program leading towards a baccalaureate degree is entitled to a



1 benefit of fifty percent of the in-state resident tuition to be paid or otherwise credited by the
2 Board of Regents. Any resident enrolled in a program leading towards a graduate degree or any
3 nonresident enrolled in a program leading towards a baccalaureate or graduate degree is entitled
4 to a benefit of fifty percent of the in-state resident tuition to be paid to the institution by the
5 Department of Military and Veterans Affairs. The benefits established under §§ 33-6-5 to 33-6-
6 8, inclusive, and the provisions of this Act may not exceed one hundred twenty-eight credit
7 hours towards a baccalaureate degree and thirty-two credit hours towards a graduate degree.

8 Section 2. That chapter 33-6 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Notwithstanding the provisions of § 13-55-23, eligible national guard members enrolled in
11 courses under the control and management of the Board of Regents not subsidized by the
12 general fund are entitled to a benefit of fifty percent of the in-state resident tuition to be paid to
13 the institution by the Department of Military and Veterans Affairs.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

455J0120

HOUSE ENGROSSED NO. **HB 1145** - 02/12/2004

Introduced by: Representatives Dykstra, Haverly, McCaulley, and Van Gerpen and Senators Dempster, Duenwald, Kelly, Knudson, Koskan, and Symens

1 FOR AN ACT ENTITLED, An Act to establish the South Dakota entrepreneur support program
2 and to provide for its funding and disbursement.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as
5 follows:

6 There is hereby created within the revolving economic development and initiative fund,
7 created in § 1-16G-3, the South Dakota entrepreneur support program. The purpose of the
8 program is to make loans to South Dakota entrepreneurs and South Dakota start-up businesses
9 to develop and promote new business activity and to create employment in the state.

10 Section 2. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as
11 follows:

12 For purposes of this Act, the term, start-up business, means any new business venture in the
13 technology, communications, service, or manufacturing sector.

14 Section 3. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as
15 follows:



1 The Board of Economic Development shall designate up to three million dollars of the
2 money in the revolving economic development and initiative fund for the purposes of the South
3 Dakota entrepreneur support program.

4 Section 4. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The Board of Economic Development shall administer the South Dakota entrepreneur
7 support program and make loans under the following terms:

8 (1) No loan may be for less than thirty thousand dollars or for more than fifty thousand
9 dollars;

10 (2) Each loan applicant shall provide for a matching amount of funds available from
11 non-state sources equal to the amount of the loan. No in-kind amounts or services
12 may be included in the matching funds; and

13 (3) Each loan may be made on an unsecured basis unless security is available. The loan
14 shall be set up for repayment of the principle plus accrued interest beginning on the
15 third anniversary date of the loan approval date with a balloon payment after the
16 seventh anniversary of the loan anniversary date. However, the board may grant a
17 further two-year extension before repayment begins.

18 Section 5. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as
19 follows:

20 An applicant for a loan pursuant to this Act shall meet the following criteria:

21 (1) An innovative business concept with a reasonable probability of creating a new
22 market or filling an existing market need;

23 (2) A three-year strategic plan for developing the business, creating jobs, and sourcing
24 qualified employees to execute the plan with sufficient justification to support the

1 amount of the request; and

2 (3) Demonstrable support from economic development and academic professionals or
3 business consultants who can provide advice and guidance to the applicant.

4 Section 6. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In connection with the administration of the South Dakota entrepreneur support program,
7 the Board of Economic Development may, pursuant to chapter 1-26, promulgate rules to:

8 (1) Set the application procedures for those who apply for loans from the fund;

9 (2) Establish criteria to determine how loan funds shall be awarded and distributed to
10 applicants;

11 (3) Govern the use of proceeds of the loans; and

12 (4) Establish criteria for the terms and conditions upon which the loans shall be made.

13 Section 7. That § 1-16G-24 be amended to read as follows:

14 1-16G-24. Earnings on the revolving economic development and initiative fund, the South
15 Dakota entrepreneur program, and the value added agriculture ~~subfund~~ fund may be used for
16 the administrative costs of the Division of Finance of the Governor's Office of Economic
17 Development. Such earnings shall be expended in accordance with the provisions of Title 4 on
18 warrants drawn by the state auditor on vouchers approved by the commissioner of the
19 Governor's Office of Economic Development. Eligible expenses may not exceed total interest
20 earnings during the previous fiscal year prior to the deduction of loan losses for the same fiscal
21 year.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

535J0093

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1158 - 02/18/2004

Introduced by: Representatives Cutler, Cradduck, Garnos, Gillespie, Hennies, Michels, Murschel, Rounds, Schafer, and Van Gerpen and Senators Sutton (Dan), Abdallah, Albers, Duniphan, Earley, Ham-Burr, Moore, and Vitter

1 FOR AN ACT ENTITLED, An Act to prohibit the taking of certain pictures of another without
2 that person's consent and to provide a penalty therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No person may use a concealed camcorder, motion picture camera, or
5 photographic camera of any type, to secretly videotape, film, photograph, or record by electronic
6 means, any other person without clothing, or any other person under or through the clothing
7 being worn by that other person, for the purpose of viewing the body of, or the undergarments
8 worn by, that other person, without the consent or knowledge of that other person, with the
9 intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of that person and
10 invade the privacy of that other person, under circumstances in which the other person has a
11 reasonable expectation of privacy. A violation of this section is a Class 1 misdemeanor.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

391J0406

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1159** -
02/09/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Cutler, Begalka, Deadrick (Thomas), Garnos, Hackl, Haverly, Konold, Kraus, Thompson, and Weems and Senators Schoenbeck, Dempster, Moore, Olson (Ed), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons from providing care and
2 supervision for children in child welfare agencies, registered family day care homes, and
3 unregistered family day care homes and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 26-6-14.10 be amended to read as follows:

6 26-6-14.10. No person who has been convicted of child abuse pursuant to chapter 26-10 ~~or;~~
7 a sex offense pursuant to chapter 22-22; or, within the preceding five years, any other felony;
8 and no person whose name appears on the central registry for child abuse and neglect may:

9 (1) Be licensed to operate a child welfare agency pursuant to § 26-6-14;

10 (2) Be registered to operate a family day care home pursuant to § 26-6-14.2; or

11 (3) Operate an unregistered family day care home as defined in § 26-6-14.8.

12 Any person who has actual knowledge that some other person is violating this section and
13 who subsequently fails to report such violation to the state's attorney or local law enforcement



1 is guilty of a Class 1 misdemeanor.

2 Section 2. That § 26-6-14.11 be amended to read as follows:

3 26-6-14.11. Any person who has been convicted of child abuse pursuant to chapter 26-10
4 ~~or;~~ a sex offense pursuant to chapter 22-22; or, within the preceding five years, any other
5 felony; or whose name appears on the central registry for child abuse and neglect is guilty of a
6 Class 1 misdemeanor if such person:

7 ~~—(1)—Provides~~ resides or works or provides care and supervision of children ~~either in a day~~
8 ~~care center~~ any child welfare agency or any family day care home; ~~or~~

9 ~~—(2)—Permits.~~ Any person who permits another person to reside or work or provide care
10 and supervision of children in any child welfare agency or any family day care home
11 knowing that the person has been convicted of child abuse pursuant to chapter 26-10
12 ~~or;~~ a sex offense pursuant to chapter 22-22; or, within the preceding five years, any
13 other felony; ~~or whose~~ knowing that the person's name appears on the central registry
14 for child abuse and neglect ~~to reside or work on the premises of a day care center or~~
15 ~~any family day care home,~~ is guilty of a Class 1 misdemeanor.

16 Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,
17 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
18 effect from and after its passage and approval.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

168J0486

SENATE TAXATION COMMITTEE ENGROSSED NO.

HB 1182 - 02/20/2004

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Schafer, Hennies, Kraus, McLaughlin, Nesselhuf, Rave, Rounds, Sebert, Solum, and Teupel and Senators Vitter, Albers, Duniphan, Kelly, Kooistra, Nachtigal, Olson (Ed), Reedy, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the use of general
2 occupation tax revenue.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-55-10 be amended to read as follows:

5 9-55-10. If a hearing is held under subdivision 9-55-7(2), the governing body shall:

6 (1) Hear all protests and receive evidence for or against the proposed action;

7 (2) Rule upon all written protests received prior to the close of the hearing, which ruling
8 shall be final; and

9 (3) Continue the hearing from time to time as the governing body may deem necessary.

10 If a special assessment is to be used, the proceedings shall terminate if written protest is
11 made prior to the close of the hearing by the owners of a majority of the assessable front footage
12 in the proposed district. If an occupation tax is to be used, the proceedings shall terminate if
13 protest is made by the users of a majority of the space in the proposed district. If the general
14 occupational tax is based upon rented hotel and motel rooms pursuant to § 9-55-13, the



1 proceedings shall terminate if written protest is made prior to the close of the hearing by the
2 owners of a majority of the hotels and motels in the proposed district.

3 Any bonds for the construction of a convention facility that are payable from the proceeds
4 of the hotel and motel room general occupational tax may only be issued and sold if at least two-
5 thirds of the hotel and motel owners in the proposed district approve in writing of the issuance
6 and sale of the bonds.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

761J0587

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1202** - 02/13/2004

Introduced by: Representatives Peterson (Bill) and Olson (Mel) and Senators Brown, Bogue, Ham-Burr, and Moore

1 FOR AN ACT ENTITLED, An Act to create a task force to study state and local government.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. There is hereby created a task force to study the roles of state and local
4 government in the state. The task force shall review the responsibilities assigned by the
5 Constitution and state law to state, county, and municipal governments and to school districts.
6 The task force shall review the functions that have been implemented by these entities of
7 government to fulfill their assigned responsibilities. The task force shall review the funding
8 sources that are available to each of these entities to perform their assigned responsibilities. The
9 task force shall identify any unfunded mandates that have been place on any of these entities and
10 shall explore options to provide for the funding of the mandates or for the elimination of the
11 mandates. The task force shall explore areas where intergovernmental cooperation may be
12 fostered in the future. The task force shall explore areas where governmental responsibilities
13 may be revised to improve the services provided by state and local governments to the citizens
14 of the state.

15 Section 2. The state and local government task force shall consist of twenty-two members.



1 The Governor shall appoint the following members:

2 (1) Three representing county government, no more than two of whom may be from one
3 political party;

4 (2) Three representing municipal government, no more than two of whom may be from
5 one political party;

6 (3) Three representing school districts, no more than two of whom may be from one
7 political party;

8 (4) Three faculty members of a university or college political science department, no
9 more than two of whom may be from one political party; and

10 (5) Six members of the general public, no more than four of whom may be from one
11 political party.

12 In addition, the president pro tempore of the Senate shall appoint two members of the
13 Senate, one from each party; and the speaker of the House of Representatives shall appoint two
14 members of the House of Representatives, one from each party. The Governor shall select the
15 chair of the task force.

16 Section 3. The task force shall meet in 2004 and 2005. The task force may hold meetings
17 and hearings at times and places as it may designate. The task force shall report its findings and
18 recommendations to the Legislature at its regular session in 2006.

19 Section 4. The Legislative Research Council shall serve as staff to the task force.

20 Section 5. The members of the task force shall be compensated in the same manner as
21 members of an interim committee.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

554J0548

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1227** - 02/11/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Bradford, Bartling, Burg, Elliott, Engels, Gassman, Hargens, Kroger, Lange, Miles, Nesselhuf, Olson (Mel), Peterson (Jim), Sigdestad, Thompson, and Van Norman and Senators Koetzle and Nachtigal

1 FOR AN ACT ENTITLED, An Act to provide an exception to the fees that may be charged by
2 a notary public for certain instruments and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 18-1-9 be amended to read as follows:

5 18-1-9. ~~Notaries~~ A notary public may charge and receive a fee not to exceed ten dollars for
6 each instrument notarized, except that no notary public may charge a fee for notarizing a request
7 for an absentee ballot.

8 Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace,
9 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
10 effect from and after its passage and approval.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

337J0082

SENATE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. HB 1228 -
02/18/2004

Introduced by: Representatives Haverly, Christensen, Craddock, Cutler, Glenski, Hunhoff, Madsen, Michels, Miles, Murschel, Novstrup, O'Brien, Rave, and Sebert and Senators Olson (Ed) and Knudson

1 FOR AN ACT ENTITLED, An Act to provide for interstate contracts for the treatment of
2 individuals with mental illness or chemical dependency and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms in this Act mean:

5 (1) "Bordering state," Iowa, Minnesota, Montana, Nebraska, North Dakota, or Wyoming;

6 (2) "Treatment facility," an accredited prevention or treatment facility as defined in § 34-
7 20A-2 or an inpatient psychiatric facility as defined in § 27A-1-1.

8 Section 2. A bordering state or governmental entity of a bordering state may contract with
9 any appropriate treatment facility in South Dakota for the treatment of mental illness or
10 chemical dependency for residents of the bordering state. However, any such contract shall
11 conform to the requirements of this Act.

12 Section 3. No contract may be entered into under this Act for treatment to any person who:

13 (1) Is serving a sentence after conviction of a criminal offense;

14 (2) Is on probation or parole; or



1 (3) Is the subject of a presentence investigation.

2 Section 4. Any contract entered into under this Act between a bordering state or
3 governmental entity of a bordering state and a South Dakota treatment facility shall, at a
4 minimum:

5 (1) Describe the services to be provided;

6 (2) Establish responsibility for the costs of services;

7 (3) Establish responsibility for the costs of transporting individuals receiving services
8 under this Act;

9 (4) Establish responsibility for the transportation of individuals under this Act;

10 (5) Specify the duration of the contract;

11 (6) Specify the means of terminating the contract;

12 (7) Specify the terms and conditions for refusal to admit or retain an individual; and

13 (8) Identify the goals to be accomplished by the placement of an individual under this
14 Act.

15 Section 5. Any treatment facility in South Dakota may enter negotiations with appropriate
16 personnel of a bordering state to develop a contract that conforms to the requirements of this
17 Act. A contract with a bordering state shall enable the temporary placement in South Dakota by
18 a bordering state of a person who is on an emergency hold or who has been involuntarily
19 committed as mentally ill or chemically dependent as determined by the bordering state. Any
20 person committed by a bordering state or on emergency hold from a bordering state and who
21 is placed in a South Dakota facility continues to be in the legal custody of the bordering state
22 and shall be returned to the bordering state prior to release from emergency hold or involuntary
23 commitment. The bordering state's laws governing commitment criteria, length of commitment,
24 hearings, reexaminations, and extension of commitment continue to apply to these bordering

1 state residents. The State of South Dakota is not responsible for treatment costs, legal
2 proceeding costs, or transportation costs. In all other aspects, a resident of a bordering state
3 placed in a South Dakota facility is subject to the laws of South Dakota. A contract under this
4 Act with a bordering state or bordering state governmental entity shall specify that responsibility
5 for payment for the cost of care and transportation for persons under this Act remains with the
6 contracting entity of the bordering state of which that person is a resident.

7 Section 6. No person placed in South Dakota from a bordering state under this Act may be
8 placed or transferred to the South Dakota Human Services Center.

9 Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace,
10 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
11 effect from and after its passage and approval.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

177J0117

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB 1248** - 02/07/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Rounds, Olson (Ryan), and Pederson (Gordon) and Senators de Hueck and Koskan

1 FOR AN ACT ENTITLED, An Act to permit counties, in the absence of an organized township,
2 to maintain, and improve certain public rights-of-way.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 31-13-51 be amended to read as follows:

5 31-13-51. The township board of supervisors or, in the case of any township which is no
6 longer organized, the board of county commissioners, prior to the assessment of real property
7 within the township for the next fiscal year, may levy annually for the purpose of maintaining
8 or repairing street surfaces, whether of a permanent type or not, a special front foot assessment
9 not to exceed eighty cents per front foot upon the real property fronting and abutting the
10 roadway. Such assessment shall be apportioned on a front foot basis and shall be levied pursuant
11 to § 31-13-52.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

184J0094

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1275 - 02/04/2004

Introduced by: Representatives Kraus, Adelstein, Gillespie, Hennies, McCaulley, Michels, Novstrup, Olson (Mel), Peterson (Bill), Sebert, Teupel, and Van Etten and Senators Abdallah, Bogue, de Hueck, Duenwald, Duniphan, Ham-Burr, McCracken, and Moore

1 FOR AN ACT ENTITLED, An Act to require chemical tests of drivers involved in accidents
2 resulting in serious bodily injury.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-23-10 be amended to read as follows:

5 32-23-10. Any person who operates any vehicle in this state is considered to have given
6 consent to the withdrawal of blood or other bodily substance and chemical analysis of the
7 person's blood, breath, or other bodily substance to determine the amount of alcohol in the
8 person's blood and to determine the presence of marijuana or any controlled drug or substance.

9 The person shall be requested by the officer to submit to the withdrawal of blood or other
10 bodily substance for chemical analysis or chemical analysis of the person's breath and shall be
11 advised by the officer that:

12 (1) If the person refuses to submit to the withdrawal or chemical analysis, no withdrawal
13 or chemical analysis may be required unless the person has been arrested for a third,
14 fourth, or subsequent violation of § 32-23-1, constituting a felony offense under



1 § 32-23-4 or 32-23-4.6 ~~or~~ has been arrested for vehicular homicide under § 22-16-41
2 or vehicular battery under § 22-16-42; or has been involved in an accident resulting
3 in death or serious bodily injury of another person;

4 (2) If the person refuses to submit to the withdrawal or chemical analysis, the person's
5 driver's license shall be revoked for one year, unless pursuant to § 32-23-11.1 the
6 person pleads guilty to a violation of § 32-23-1 or 32-23-21, prior to a revocation
7 order being issued; and

8 (3) The person has the right to have a chemical analysis performed by a technician of the
9 person's own choosing at the person's own expense, in addition to the test requested
10 by the officer.

11 Section 2. That chapter 32-23 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 For purposes of § 32-23-10, serious bodily injury is such injury as is grave and not trivial,
14 and gives rise to apprehension of danger to life, health, or limb.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

708J0728

HOUSE TAXATION COMMITTEE ENGROSSED NO. **HB 1281** - 02/10/2004

Introduced by: Representative Cradduck and Senator Jaspers

1 FOR AN ACT ENTITLED, An Act to provide for certain property tax exemptions for business
2 incubators owned by nonprofits.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any business incubator owned or leased and operated by a local economic development
7 organization is eligible for an exemption from certain property taxes as provided in this section.
8 The governing body of the county, municipality, school district, township, or any other political
9 subdivision of this state in which the property is located may approve a tax exemption by
10 resolution after a determination of eligibility, public notice, and a hearing. If any governing body
11 intends to grant more than one exemption for business incubators, the governing body shall
12 adopt a separate resolution for each business incubator within its jurisdiction. No governing
13 body may grant approval for the business incubator until all of the applicant's taxes have been
14 paid in full. If the property is leased to a business incubator, no governing body may grant
15 approval until all of the owner's property taxes on that property have been paid in full. Payment



1 of taxes under protest does not preclude approval. Prior to holding the hearing, the governing
2 body shall determine that the local economic development organization:

- 3 (1) Is a private, nonprofit corporation and is exempt from taxation pursuant to section
4 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code as of January 1,
5 2004;
- 6 (2) Is engaged in economic development and business assistance work in the area; and
- 7 (3) Owns and operates or will operate the business incubator.

8 The tax exemption described in this section applies only to the taxes levied by the governing
9 body approving the exemption over which the governing body has the ability to levy a property
10 tax upon.

11 Section 2. That § 13-13-20.4 be amended to read as follows:

12 13-13-20.4. The actual assessed valuation of any property given a reduced valuation
13 pursuant to §§ 10-6-35.1, 10-6-35.2, 10-6-35.4, 10-6-35.21, 10-6-35.22, 10-6-35.24, 10-6-35.25,
14 10-6-54, 10-6-55, 10-6-66, and 10-6-67 shall be used when calculating state aid to education.
15 For any property given a reduced valuation after November 1995, pursuant to §§ 10-6-35.1,
16 10-6-35.2, 10-6-35.4, 10-6-35.21, 10-6-35.22, 10-6-35.24, 10-6-35.25, 10-6-54, 10-6-55,
17 10-6-66, and 10-6-67 that has not previously received a reduced valuation pursuant to these
18 statutes, the portion of actual assessed valuation of the property used when calculating state aid
19 to education shall be twenty percent in the first year, forty percent in the second year, sixty
20 percent in the third year, eighty percent in the fourth year, and one hundred percent each year
21 thereafter. In addition, the actual assessed valuation of any property given exempt status
22 pursuant to section 1 of this Act shall be used when calculating state aid to education.

23 Section 3. That § 10-12-44 be amended to read as follows:

24 10-12-44. The county auditor in each school district shall raise additional revenue, for the

1 general fund and special education funds, from property taxes to compensate for tax abatement,
2 tax increment financing district, or discretionary formula as follows:

3 (1) For tax incremental districts created pursuant to chapter 11-9 and formed after
4 December 31, 1994, the county auditor shall levy an additional tax levy for an
5 amount not to exceed an amount equal to the sum of the levies in §§ 10-12-42 and
6 13-37-16 times the tax increment valuation as defined in § 11-9-1;

7 (2) For property subject to § 10-6-35.2, 10-6-35.12, 10-6-35.24, 10-6-35.25, 10-6-54,
8 10-6-55, or 10-6-67 the county auditor shall levy an additional tax levy for an amount
9 not to exceed the amount of taxes that were not collected due to the reduction in
10 valuation based on the maximum levies pursuant to §§ 10-12-42 and 13-37-16;

11 (3) For abated taxes the county auditor shall levy an additional tax levy for an amount
12 not to exceed the amount of the school district's portion of the taxes that were abated
13 pursuant to chapter 10-18 during the previous tax year;

14 (4) For properties given exempt status pursuant to section 1 of this Act.

15 The levies in this section are not subject to the referendum provision of § 10-12-43 and these
16 levies shall maintain the same proportion to each other as represented in the mathematical
17 relationship at the maximum levies pursuant to § 10-12-42.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

538J0699

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1282 - 02/11/2004

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives McCaulley, Bradford, Cutler, Haverly, Kraus, Rave, Rhoden, Schafer, Teupel, Thompson, and Weems and Senators Apa, Abdallah, and Jaspers

1 FOR AN ACT ENTITLED, An Act to prohibit recovery based on claims resulting from weight
2 gain, obesity, or a health condition resulting from long-term consumption of a qualified
3 product.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Terms used in this Act mean:

6 (1) "Livestock," cattle, bison, swine, sheep, goats, horses, ratites, and captive cervidae;

7 (2) "Livestock producer," any producer of livestock;

8 (3) "Long-term consumption," the cumulative effect of the consumption of any qualified
9 product and not the effect of a single instance of consumption;

10 (4) "Qualified product," any food or drink as defined in section 201(f) of the Federal
11 Food Drug and Cosmetic Act (21 U.S.C. § 321(f)), in effect as of January 1, 2004,
12 and specifically including meat and meat products from livestock;

13 (5) "Seller," any person or entity lawfully engaged in the business of marketing,
14 distributing, advertising, or selling a qualified product;



1 (6) "Trade association," any association or business organization that is not operated for
2 profit, if two or more members are manufacturers, marketers, distributors, livestock
3 producers, advertisers, or sellers of a qualified product.

4 Section 2. No manufacturer, seller, trade association, livestock producer, or retailer of a
5 qualified product is subject to civil liability for injury or death in any case in which liability is
6 based on the individual's weight gain, obesity, or a health condition related to weight gain or
7 obesity, and the weight gain, obesity, or health condition results from the individual's long-term
8 consumption of a qualified product.

9 Section 3. Any civil action regarding a claim as set forth in section 2 of this Act that is
10 governed by the laws of South Dakota and that is pending on the date of the enactment of this
11 Act shall be subject to the terms of this Act.

12 Section 4. This Act may be cited as the Commonsense Consumption Act.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

555J0505

HOUSE TAXATION COMMITTEE ENGROSSED NO. **HB 1283** - 02/10/2004

Introduced by: Representatives Weems, Cutler, Hundstad, Lange, Novstrup, Peterson (Jim),
Schafer, Sigdestad, Thompson, Van Etten, and Van Gerpen and Senators de
Hueck, Greenfield, Kloucek, Kooistra, Moore, Schoenbeck, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to exempt certain purchases of material used in the
2 production of greenhouse, nursery, and ornamental plants from sales and use taxes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The purchase of any fertilizer, growth regulator, soil, container, and plant shine that is
7 directly used in the production of greenhouse, nursery, and ornamental plants intended to be sold
8 ultimately at retail within or without the State of South Dakota is hereby specifically exempted
9 from the tax imposed by chapter 10-45.

10 Section 2. That chapter 10-46 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 The use in this state of any fertilizer, growth regulators, soil, containers, and plant shine
13 directly used in the production of greenhouse, nursery, and ornamental plants intended to be sold
14 ultimately at retail within or without the State of South Dakota is hereby specifically exempted



1 from the tax imposed by chapter 10-46.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

367J0446

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1297** - 02/20/2004

Introduced by: Representatives Rhoden, Bartling, Begalka, Cradduck, Deadrick (Thomas), Elliott, Fryslie, Gillespie, Hanson, Hargens, Hennies, Hunhoff, Juhnke, LaRue, Lintz, McCaulley, McCoy, Novstrup, Olson (Ryan), Rounds, Sigdestad, and Teupel and Senators Koskan, Duenwald, Kleven, and Napoli

1 FOR AN ACT ENTITLED, An Act to restrict the alienation of public state real property to the
2 federal government.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Neither the State of South Dakota nor any of its state agencies may transfer title
5 to any real property in this state to the federal government or any federal agency unless the
6 Legislature has granted its explicit authorization by prior legislation.

7 Section 2. The provisions of section 1 of this Act do not apply:

- 8 (1) If the transfer is the result of an eminent domain proceeding; or
9 (2) If the transfer is a sale negotiated under threat of an eminent domain proceeding or
10 under circumstances in which acquisition of the property by an eminent domain
11 proceeding would be justified; or
12 (3) If the transfer involves less than forty acres of unimproved land or less than five
13 hundred thousand dollars worth of improved real estate; or
14 (4) If the transfer involves the trade of tracts of land of substantially equal value between



1 the state government or any of its entities and the federal government or any of its
2 entities.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

119J0566

SENATE EDUCATION COMMITTEE ENGROSSED NO.

HB 1307 - 02/19/2004

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Teupel, Klaudt, McCaulley, McLaughlin, and Peterson (Bill)
and Senators Knudson, Bogue, and McCracken

1 FOR AN ACT ENTITLED, An Act to revise the calculation of state aid to education.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 13-13-10.1 be amended to read as follows:

4 13-13-10.1. Terms used in this chapter mean:

5 (1) "Average daily membership," the average number of resident and nonresident
6 kindergarten through twelfth grade pupils enrolled in all schools operated by the
7 school district during the previous regular school year, minus average number of
8 pupils for whom the district receives tuition, except pupils described in subdivision
9 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the
10 average number of pupils for whom the district pays tuition;

11 (1A) Nonresident students who are in the care and custody of the Department of Social
12 Services, the Unified Judicial System, the Department of Corrections, or other state
13 agencies and are attending a public school may be included in the average daily
14 membership of the receiving district when enrolled in the receiving district. When



counting a student who meets these criteria in its general enrollment average daily membership, the receiving district may begin the enrollment on the first day of attendance. The district of residence prior to the custodial transfer may not include students who meet these criteria in its general enrollment average daily membership after the student ceases to attend school in the resident district;

(2) "Adjusted average daily membership," calculated as follows for all districts except those defined in subdivision (2A):

(a) For districts with an average daily membership of two hundred or less, multiply 1.2 times the average daily membership;

(b) For districts with an average daily membership of less than six hundred, but greater than two hundred, raise the average daily membership to the 0.8293 power and multiply the result times 2.98;

(c) For districts with an average daily membership of six hundred or more, multiply 1.0 times their average daily membership;

(2A) "Adjusted average daily membership," calculated as follows for districts larger than three hundred ninety-nine square miles and that serve grades kindergarten through twelfth grade:

(a) For districts with an average daily membership of one hundred thirty or less, multiply 1.3 times the average daily membership;

(b) For districts with an average daily membership of less than six hundred, but greater than one hundred thirty, raise the average daily membership to the 0.8284523 power and multiply the result times 2.9963;

(c) For districts with an average daily membership of six hundred or more, multiply 1.0 times their average daily membership;

- 1 (3) "Index factor," is the annual percentage change in the consumer price index for urban
2 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
3 the United States Department of Labor for the year before the year immediately
4 preceding the year of adjustment or three percent, whichever is less;
- 5 (4) "Per student allocation," for school fiscal year 2004 is \$3,967.88. Each school fiscal
6 year thereafter, the per student allocation is the previous fiscal year's per student
7 allocation increased by the index factor;
- 8 (5) "Local need," the per student allocation multiplied by the adjusted average daily
9 membership;
- 10 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
11 applying the levies established pursuant to § 10-12-42;
- 12 (7) "General fund balance," the unreserved fund balance of the general fund, less general
13 fund exclusions plus, beginning with transfers made in fiscal year 2001, any transfers
14 out of the general fund for the previous school fiscal year;
- 15 (8) "General fund balance percentage," is a school district's general fund balance divided
16 by the school district's total general fund expenditures for the previous school fiscal
17 year, the quotient expressed as a percent;
- 18 (9) "General fund base percentage," is the general fund balance percentage as of June 30,
19 2000. However, the general fund base percentage can never increase and can never
20 be less than twenty percent;
- 21 (10) "Allowable general fund balance," the fund base percentage multiplied by the
22 district's general fund expenditures in the previous school fiscal year;
- 23 (11) "Imputed interest rate," the average prime rate for the preceding fiscal year minus 2.5
24 percentage points;

1 (12) "General fund exclusions," revenue a school district has received from the imposition
2 of the excess tax levy pursuant to § 10-12-43; revenue a school district has received
3 from gifts, contributions, grants, or donations; revenue a school district has received
4 under the provisions of §§ 13-6-92 to 13-6-96, inclusive; and any revenue in the
5 general fund set aside for a noninsurable judgment.

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

970J0365

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 64** - 02/18/2004

Introduced by: Senators Schoenbeck, de Hueck, and Koskan and Representatives Madsen,
Garnos, and Juhnke

1 FOR AN ACT ENTITLED, An Act to permit the filing of an allegation of habitual criminality
2 after arraignment under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-7-11 be amended to read as follows:

5 22-7-11. ~~An~~ Any allegation that a defendant is an habitual criminal ~~must~~ shall be filed as
6 a separate information at the time of, or before, ~~his or her~~ arraignment. However, the court may,
7 upon motion, permit the separate information to be filed after the arraignment, but no less than
8 thirty days before the commencement of trial or entry of a plea of guilty or nolo contendere. The
9 information ~~must~~ shall state the times, places, and specific crimes alleged to be prior convictions
10 and ~~must~~ shall be signed by the prosecutor. An official court record under seal or a criminal
11 history together with fingerprints certified by the public official having custody thereof ~~will be~~
12 is sufficient to be admitted in evidence without further foundation to prove the allegation that
13 the defendant is an habitual criminal.



State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

679J0799

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **SB 217** - 02/21/2004

Introduced by: Senators Symens, Brown, Jaspers, Kurtenbach, and Moore and
Representatives Dykstra, Begalka, O'Brien, Olson (Mel), Peterson (Jim),
Putnam, and Smidt

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct a
2 thermophilic anaerobic manure digestion system for the South Dakota Agricultural
3 Experiment Station, to make an appropriation therefor, and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. The Board of Regents may contract for the construction, completion, furnishing,
6 equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer,
7 electric facilities, architectural and engineering services, asbestos abatement, and such other
8 services as may be required to construct a thermophylic anaerobic manure digestion system for
9 the South Dakota Agricultural Experiment Station the operates on its livestock research units
10 near the South Dakota State University campus, located at Brookings, in Brookings County, at
11 an estimated cost of one million seven hundred fifty thousand dollars.

12 Section 2. There is hereby appropriated one million seven hundred fifty thousand dollars
13 (\$1,750,000) from federal funds awarded to the South Dakota Agricultural Experiment Station
14 for the purpose of constructing the facility described in section 1 of this Act.



1 Section 3. The Board of Regents may accept, transfer, and expend any funds obtained for
2 these purposes from federal sources, gifts, contributions, or any other source, all of which shall
3 be deemed appropriated to the project authorized by this Act.

4 Section 4. The design and construction of the facilities approved by this Act shall be under
5 the general supervision of the Bureau of Administration as provided in § 5-14-2. The
6 commissioner of the Bureau of Administration and the executive director of the Board of
7 Regents shall approve vouchers and the state auditor shall draw warrants to pay expenditures
8 authorized by this Act.

9 Section 5. If it is determined that research conducted at the thermophilic anaerobic manure
10 digestion system may have commercially valuable applications, and to the extent permitted
11 under the terms of any grants or agreements funding such research, the Board of Regents will
12 enter into an agreement with the Department of Tourism and State Development through its
13 program for commercialization that will structure the assistance to be provided in the
14 commercialization of the property.

15 Section 6. Notwithstanding the provisions of § 13-51-2, no general fund dollars, no
16 educational facilities fund dollars, or any money appropriated for statewide maintenance and
17 repair, may be used to finance the maintenance and repair of the facilities in this Act.

18 Section 7. Whereas, this Act is necessary for the support of the state government and its
19 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
20 full force and effect from and after its passage and approval.